

**ASSEMBLY, No. 3064**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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INTRODUCED FEBRUARY 28, 2022

**Sponsored by:**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**SYNOPSIS**

Provides that certain affordable manufactured home communities are inherently beneficial uses.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the zoning of manufactured home communities  
2 and amending P.L.1975, c.291 and P.L.1983, c.386.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6

7 1. Section 3.1 of P.L.1975, c.291 (C.40:55D-4) is amended to  
8 read as follows:

9 3.1. "Days" means calendar days.

10 "Density" means the permitted number of dwelling units per  
11 gross area of land that is the subject of an application for  
12 development, including noncontiguous land, if authorized by  
13 municipal ordinance or by a planned development.

14 "Developer" means the legal or beneficial owner or owners of a  
15 lot or of any land proposed to be included in a proposed  
16 development, including the holder of an option or contract to  
17 purchase, or other person having an enforceable proprietary interest  
18 in such land.

19 "Development" means the division of a parcel of land into two or  
20 more parcels, the construction, reconstruction, conversion,  
21 structural alteration, relocation or enlargement of any building or  
22 other structure, or of any mining excavation or landfill, and any use  
23 or change in the use of any building or other structure, or land or  
24 extension of use of land, for which permission may be required  
25 pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.).

26 "Development potential" means the maximum number of  
27 dwelling units or square feet of nonresidential floor area that may  
28 be constructed on a specified lot or in a specified zone under the  
29 master plan and land use regulations in effect on the date of the  
30 adoption of the development transfer ordinance or on the date of the  
31 adoption of the ordinance authorizing noncontiguous cluster, and in  
32 accordance with recognized environmental constraints.

33 "Development regulation" means a zoning ordinance,  
34 subdivision ordinance, site plan ordinance, official map ordinance  
35 or other municipal regulation of the use and development of land, or  
36 amendment thereto adopted and filed pursuant to P.L.1975, c.291  
37 (C.40:55D-1 et seq.).

38 "Development restriction" means an agricultural restriction, a  
39 conservation restriction, or a historic preservation restriction.

40 "Development transfer" or "development potential transfer"  
41 means the conveyance of development potential, or the permission  
42 for development, from one or more lots to one or more other lots by  
43 deed, easement, or other means as authorized by ordinance.

44 "Development transfer bank" means a development transfer bank

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 established pursuant to section 22 of P.L.2004, c.2 (C.40:55D-158)  
2 or the State TDR Bank.

3 "Drainage" means the removal of surface water or groundwater  
4 from land by drains, grading or other means and includes control of  
5 runoff during and after construction or development to minimize  
6 erosion and sedimentation, to assure the adequacy of existing and  
7 proposed culverts and bridges, to induce water recharge into the  
8 ground where practical, to lessen nonpoint pollution, to maintain  
9 the integrity of stream channels for their biological functions as  
10 well as for drainage, and the means necessary for water supply  
11 preservation or prevention or alleviation of flooding.

12 "Electric vehicle supply equipment" or "electric vehicle service  
13 equipment" or "EVSE" means the equipment, including the cables,  
14 cords, conductors, connectors, couplers, enclosures, attachment  
15 plugs, power outlets, power electronics, transformer, switchgear,  
16 switches and controls, network interfaces, and point of sale  
17 equipment and associated apparatus designed and used for the  
18 purpose of transferring energy from the electric supply system to a  
19 plug-in electric vehicle. "EVSE" may deliver either alternating  
20 current or, consistent with fast charging equipment standards, direct  
21 current electricity. "EVSE" is synonymous with "electric vehicle  
22 charging station."

23 "Environmental commission" means a municipal advisory body  
24 created pursuant to P.L.1968, c.245 (C.40:56A-1 et seq.).

25 "Erosion" means the detachment and movement of soil or rock  
26 fragments by water, wind, ice and gravity.

27 "Final approval" means the official action of the planning board  
28 taken on a preliminarily approved major subdivision or site plan,  
29 after all conditions, engineering plans and other requirements have  
30 been completed or fulfilled and the required improvements have  
31 been installed or guarantees properly posted for their completion, or  
32 approval conditioned upon the posting of such guarantees.

33 "Floor area ratio" means the sum of the area of all floors of  
34 buildings or structures compared to the total area of land that is the  
35 subject of an application for development, including noncontiguous  
36 land, if authorized by municipal ordinance or by a planned  
37 development.

38 "General development plan" means a comprehensive plan for the  
39 development of a planned development, as provided in section 4 of  
40 P.L.1987, c.129 (C.40:55D-45.2).

41 "Governing body" means the chief legislative body of the  
42 municipality. In municipalities having a board of public works,  
43 "governing body" means such board.

44 "Historic district" means one or more historic sites and  
45 intervening or surrounding property significantly affecting or  
46 affected by the quality and character of the historic site or sites.

47 "Historic preservation restriction" means a "historic preservation  
48 restriction" as defined in section 2 of P.L.1979, c.378 (C.13:8B-2).

1 "Historic site" means any real property, man-made structure,  
2 natural object or configuration or any portion or group of the  
3 foregoing of historical, archeological, cultural, scenic or  
4 architectural significance.

5 "Inherently beneficial use" means a use which is universally  
6 considered of value to the community because it fundamentally  
7 serves the public good and promotes the general welfare. Such a  
8 use includes, but is not limited to, a hospital, school, child care  
9 center, group home, **[or]** a wind, solar or photovoltaic energy  
10 facility or structure, or a manufactured home community as defined  
11 in section 3 of P.L.1983, c.386 (C.40:55D-102) that is dedicated to  
12 providing workforce housing for a period of not less than 15 years.

13 "Instrument" means the easement, credit, or other deed  
14 restriction used to record a development transfer.

15 "Interested party" means: (a) in a criminal or quasi-criminal  
16 proceeding, any citizen of the State of New Jersey; and (b) in the  
17 case of a civil proceeding in any court or in an administrative  
18 proceeding before a municipal agency, any person, whether residing  
19 within or without the municipality, whose right to use, acquire, or  
20 enjoy property is or may be affected by any action taken under  
21 P.L.1975, c.291 (C.40:55D-1 et seq.), or whose rights to use,  
22 acquire, or enjoy property under P.L.1975, c.291 (C.40:55D-1 et  
23 seq.), or under any other law of this State or of the United States  
24 have been denied, violated or infringed by an action or a failure to  
25 act under P.L.1975, c.291 (C.40:55D-1 et seq.).

26 "Land" includes improvements and fixtures on, above or below  
27 the surface.

28 "Local utility" means any sewerage authority created pursuant to  
29 the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et  
30 seq.); any utilities authority created pursuant to the "municipal and  
31 county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et  
32 seq.); or any utility, authority, commission, special district or other  
33 corporate entity not regulated by the Board of Regulatory  
34 Commissioners under Title 48 of the Revised Statutes that provides  
35 gas, electricity, heat, power, water or sewer service to a  
36 municipality or the residents thereof.

37 "Lot" means a designated parcel, tract or area of land established  
38 by a plat or otherwise, as permitted by law and to be used,  
39 developed or built upon as a unit.

40 (cf: P.L.2021, c.171, s.5)

41  
42 2. Section 3.4 of PL.1975, c.291 (C.40:55D-7) is amended to  
43 read as follows:

44 3.4. "Sedimentation" means the deposition of soil that has been  
45 transported from its site of origin by water, ice, wind, gravity or  
46 other natural means as a product of erosion.

47 "Sending zone" means an area or areas designated in a master  
48 plan and zoning ordinance, adopted pursuant to P.L.1975, c.291

1 (C.40:55D-1 et seq.), within which development may be restricted  
2 and which is otherwise consistent with the provisions of section 8  
3 of P.L.2004, c.2 (C.40:55D-144).

4 "Site plan" means a development plan of one or more lots on  
5 which is shown (1) the existing and proposed conditions of the lot,  
6 including but not necessarily limited to topography, vegetation,  
7 drainage, flood plains, marshes and waterways, (2) the location of  
8 all existing and proposed buildings, drives, parking spaces,  
9 walkways, means of ingress and egress, drainage facilities, utility  
10 services, landscaping, structures and signs, lighting, screening  
11 devices, and (3) any other information that may be reasonably  
12 required in order to make an informed determination pursuant to an  
13 ordinance requiring review and approval of site plans by the  
14 planning board adopted pursuant to article 6 of this act.

15 "Standards of performance" means standards (1) adopted by  
16 ordinance pursuant to subsection 52d. regulating noise levels, glare,  
17 earthborn or sonic vibrations, heat, electronic or atomic radiation,  
18 noxious odors, toxic matters, explosive and inflammable matters,  
19 smoke and airborne particles, waste discharge, screening of  
20 unsightly objects or conditions and such other similar matters as  
21 may be reasonably required by the municipality or (2) required by  
22 applicable federal or State laws or municipal ordinances.

23 "State Transfer of Development Rights Bank," or "State TDR  
24 Bank," means the bank established pursuant to section 3 of  
25 P.L.1993, c.339 (C.4:1C-51).

26 "Street" means any street, avenue, boulevard, road, parkway,  
27 viaduct, drive or other way (1) which is an existing State, county or  
28 municipal roadway, or (2) which is shown upon a plat heretofore  
29 approved pursuant to law, or (3) which is approved by official  
30 action as provided by this act, or (4) which is shown on a plat duly  
31 filed and recorded in the office of the county recording officer prior  
32 to the appointment of a planning board and the grant to such board  
33 of the power to review plats; and includes the land between the  
34 street lines, whether improved or unimproved, and may comprise  
35 pavement, shoulders, gutters, curbs, sidewalks, parking areas and  
36 other areas within the street lines.

37 "Structure" means a combination of materials to form a  
38 construction for occupancy, use or ornamentation whether installed  
39 on, above, or below the surface of a parcel of land.

40 "Subdivision" means the division of a lot, tract or parcel of land  
41 into two or more lots, tracts, parcels or other divisions of land for  
42 sale or development. The following shall not be considered  
43 subdivisions within the meaning of this act, if no new streets are  
44 created: (1) divisions of land found by the planning board or  
45 subdivision committee thereof appointed by the chairman to be for  
46 agricultural purposes where all resulting parcels are 5 acres or  
47 larger in size, (2) divisions of property by testamentary or intestate  
48 provisions, (3) divisions of property upon court order, including but

1 not limited to judgments of foreclosure, (4) consolidation of  
2 existing lots by deed or other recorded instrument and (5) the  
3 conveyance of one or more adjoining lots, tracts or parcels of land,  
4 owned by the same person or persons and all of which are found  
5 and certified by the administrative officer to conform to the  
6 requirements of the municipal development regulations and are  
7 shown and designated as separate lots, tracts or parcels on the tax  
8 map or atlas of the municipality. The term "subdivision" shall also  
9 include the term "resubdivision."

10 "Transcript" means a typed or printed verbatim record of the  
11 proceedings or reproduction thereof.

12 "Variance" means permission to depart from the literal  
13 requirements of a zoning ordinance pursuant to sections 47 and  
14 subsections 29.2b., 57c. and 57d. of this act.

15 "Wind, solar or photovoltaic energy facility or structure" means a  
16 facility or structure for the purpose of supplying electrical energy  
17 produced from wind, solar, or photovoltaic technologies, whether  
18 such facility or structure is a principal use, a part of the principal  
19 use, or an accessory use or structure.

20 "Workforce housing" means housing affordable to, according to  
21 the federal Department of Housing and Urban Development or other  
22 recognized standards for home ownership and rental costs, and  
23 occupied or reserved for occupancy by a household with gross  
24 household income not exceeding 120 percent of the median gross  
25 household income for households of the same size in the same  
26 housing region.

27 "Zoning permit" means a document signed by the administrative  
28 officer (1) which is required by ordinance as a condition precedent  
29 to the commencement of a use or the erection, construction,  
30 reconstruction, alteration, conversion or installation of a structure or  
31 building and (2) which acknowledges that such use, structure or  
32 building complies with the provisions of the municipal zoning  
33 ordinance or variance therefrom duly authorized by a municipal  
34 agency pursuant to sections 47 and 57 of this act.

35 (cf: P.L.2009, c.146, s.2)

36

37 3. Section 3 of P.L.1983, c.386 (C.40:55D-102) is amended to  
38 read as follows:

39 3. As used in **【this act】** P.L.1983, c.386 (C.40:55D-100 et  
40 seq.):

41 a. "Commissioner" means the Commissioner of the  
42 Department of Community Affairs;

43 b. "Grade" means a reference plane consisting of the average  
44 finished ground level adjacent to a structure, building, or facility at  
45 all visible exterior walls;

46 c. "Manufactured home" means a unit of housing which:

- 1 (1) Consists of one or more transportable sections which are  
2 substantially constructed off site and, if more than one section, are  
3 joined together on site;
- 4 (2) Is built on a permanent chassis;
- 5 (3) Is designed to be used, when connected to utilities, as a  
6 dwelling on a permanent or nonpermanent foundation; and
- 7 (4) Is manufactured in accordance with the standards  
8 promulgated for a manufactured home by the secretary pursuant to  
9 the "National Manufactured Housing Construction and Safety  
10 Standards Act of 1974," Pub.L. 93-383 (42 U.S.C. **[s. 5401]** s.5401  
11 et seq.) and the standards promulgated for a manufactured or mobile  
12 home by the commissioner pursuant to the "State Uniform  
13 Construction Code Act," P.L.1975, c. 217 (C. 52:27D-119 et seq.);
- 14 d. **["Mobile home park"]** "Manufactured home community"  
15 means a parcel of land, or two or more parcels of land, containing  
16 no fewer than 10 sites equipped for the installation of manufactured  
17 homes, where these sites are under common ownership and control  
18 for the purpose of leasing each site to the owner of a manufactured  
19 home for the installation thereof, and where the owner or owners  
20 provide services, which are provided by the municipality in which  
21 the park is located for property owners outside the park, which  
22 services may include but shall not be limited to:
- 23 (1) The construction and maintenance of streets;
- 24 (2) Lighting of streets and other common areas;
- 25 (3) Garbage removal;
- 26 (4) Snow removal; and
- 27 (5) Provisions for the drainage of surface water from home sites  
28 and common areas.
- 29 A parcel, or any contiguous parcels, of land which contain, on  
30 the effective date of **[this act]** P.L.1983, c.386 (C.40:55D-100 et  
31 seq.), no fewer than three sites equipped for the installation of  
32 manufactured homes, and which otherwise conform to the  
33 provisions of this subsection, shall qualify as a **[mobile home park]**  
34 manufactured home community for the purposes of **[this act]**  
35 P.L.1983, c.386 (C.40:55D-100 et seq.);
- 36 e. "Nonpermanent foundation" means any foundation  
37 consisting of nonmortared blocks, wheels, concrete slab, runners, or  
38 any combination thereof, or any other system approved by the  
39 commissioner for the installation and anchorage of a manufactured  
40 home on other than a permanent foundation;
- 41 f. "Off site construction of a manufactured home" or section  
42 thereof means the construction of that home or section at a location  
43 other than the location at which the home is to be installed;
- 44 g. "On site joining of sections of a manufactured home" means  
45 the joining of those sections at the location at which the home is to  
46 be installed;

1 h. "Permanent foundation" means a system of support installed  
2 either partially or entirely below grade, which is:

3 (1) Capable of transferring all design loads imposed by or upon  
4 the structure into soil or bedrock without failure;

5 (2) Placed at an adequate depth below grade to prevent frost  
6 damage; and

7 (3) Constructed of material approved by the commissioner;

8 i. "Runners" means a system of support consisting of poured  
9 concrete strips running the length of the chassis of a manufactured  
10 home under the lengthwise walls of that home;

11 j. "Secretary" means the Secretary of the United States  
12 Department of Housing and Urban Development; and

13 k. "Trailer" means a recreational vehicle, travel trailer, camper  
14 or other transportable, temporary dwelling unit, with or without its  
15 own motor power, designed and constructed for travel and  
16 recreational purposes to be installed on a nonpermanent foundation  
17 if installation is required.

18 (cf: P.L.1983, c.386, s.3)

19  
20 4. Section 6 of P.L.1983, c.386 (C.40:55D-105) is amended to  
21 read as follows:

22 6. When reviewing and approving development regulations  
23 pertaining to residential development, a municipal agency is to be  
24 encouraged to review those regulations to determine whether or not  
25 **【mobile home parks】** manufactured home communities are a  
26 practicable means of providing affordable housing in the  
27 municipality.

28 (cf: P.L.1983, c.386, s.6)

29  
30 5. This act shall take effect immediately.

31  
32  
33 STATEMENT

34  
35 This bill amends the "Municipal Land Use Law," P.L.1975,  
36 c.291 (C.40:55D-1 et seq.) to provide that certain affordable  
37 manufactured home communities are considered an inherently  
38 beneficial use.

39 Under the "Municipal Land Use Law," land uses that are deemed  
40 to be inherently beneficial presumptively satisfy the positive criteria  
41 for the grant of a use variance under subsection d. of section 57 of  
42 P.L.1975, c.291 (C.40:55-70). The law currently defines  
43 "inherently beneficial use" as a use that is universally considered of  
44 value to the community because it fundamentally serves the public  
45 good and promotes the general welfare. This definition also  
46 explicitly includes hospitals, schools, child care centers, group  
47 homes, and certain renewable energy facilities.



1       Specifically, the bill provides that any manufactured home  
2 community that is dedicated to providing workforce housing for a  
3 period of not less than 15 years would be considered an inherently  
4 beneficial use. Under the bill, workforce housing is defined as  
5 housing that is affordable to and occupied, or reserved for  
6 occupancy, by a household with gross household income not  
7 exceeding 120 percent of the median gross household income for  
8 households of the same size in the same housing region.

9       Additionally, the bill revises the “The Affordable Housing Act of  
10 1983,” P.L.1983, c.386 (C.40:55D-100 et seq.) to replace the term  
11 “mobile home park” with “manufactured home community.”

12       In recent decades, significant improvements have been made in  
13 the construction of manufactured homes. More importantly,  
14 manufactured homes provide a uniquely affordable form of housing  
15 for certain income-constrained households that do not qualify for  
16 housing assistance. By designating these communities as an  
17 inherently beneficial use under the “Municipal Land Use Law,” it is  
18 the intent of the sponsor to encourage the development of quality,  
19 affordable housing in the State.